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January 12, 2024

Via ECF

Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *UiPath, Inc. v. Shanghai Yunkuo Information Technology Co., Ltd., dba ENCOO Tech.,*
Case No. 1:23-cv-07835-LGS

Dear Judge Schofield:

We write on behalf of Petitioner UiPath, Inc. (“Petitioner” or “UiPath”) to seek an order from Your Honor granting Petitioner’s unopposed Petition to Confirm Arbitration Award (“Petition”). *See* ECF No. 1.

UiPath commenced this action on September 5, 2023, by filing the Petition seeking to confirm an Award (as defined in the Petition) issued by the Sole Arbitrator following a two-year long arbitration seated in New York City, New York. *See* Petition ¶ 1.

The next day, UiPath served the Petition and accompanying papers on Respondent Shanghai Yunkuo Information Technology Co. Ltd. d/b/a ENCOO Tech. (“Respondent” or “ENCOO”) via international courier to Respondent’s business addresses in China as well as to Respondent’s Chinese counsel’s business address. On September 11, 2023, UiPath served the Petition on Respondent via email to its Chinese counsel and to Respondent’s Chief Executive Officer Mr. Chungang (Sean) Liu.

On October 25, 2023, UiPath moved this Court by Way of Order to Show Cause for Alternative Service of the Petition on Respondent (“Motion for Alternative Service”). *See* ECF No. 7. On December 18, 2023, UiPath hired a process server who served the Petition on Respondent via Respondent’s former U.S. counsel Mr. Anton Ware, Esq., by personally delivering copies of the Petition to the San Francisco offices of Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”). *See* ECF Nos. 9, 11. Completion of service is evidenced by a Proof of Service and Affirmation of Service executed by the process server. *See* ECF Nos. 9, 10.

Thereafter, on January 10, 2024, Your Honor issued a Memorandum Endorsement, granting UiPath’s Motion for Alternative Service and ordering that “[s]ervice on Respondent is deemed completed on December 18, 2023.” *See* ECF No. 12.



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UiPath's Notice of Petition (ECF No. 1-1) provides fourteen (14) days from service of the Petition for ENCOO to respond. Respondent has not appeared in this action, and its deadline to do so or to file an opposition to UiPath's Petition has expired. New York law requires an unopposed petition to confirm arbitration award to be treated as an unopposed motion for summary judgment. *See D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006) (holding district courts should treat an unanswered [] petition to confirm/vacate as an unopposed motion for summary judgment"); *Trustees of New York City Dist. Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, & Apprenticeship, Journeyman Retraining, Educ. & Indus. Fund v. APS Contractors, Inc.*, No. 1:22-CV-8203 (MKV), 2023 WL 5211313, at *2 (S.D.N.Y. Aug. 14, 2023) ("When a petition to confirm an arbitration award is unopposed, district courts must generally treat 'the petition and accompanying record ... as akin to a motion for summary judgment.'").

In light of the foregoing, UiPath respectfully requests that Your Honor treat its Petition to Confirm Arbitration Award as an unopposed motion and issue an order: (i) confirming and enforcing the Award; and (ii) entering judgment in favor of UiPath and against ENCOO in accordance with the Award.

Respectfully,

A briefing schedule regarding Petitioner's contemplated motion to confirm arbitration shall be as follows:

/s/ Vincent Filardo, Jr.
Vincent Filardo, Jr.

- Petitioner may file a motion and supporting memorandum by **February 16, 2024**
- Respondent may file its opposition by **March 15, 2024**
- Petitioner may file a reply by **March 29, 2024**

The parties shall comply with the Court's Individual Rules regarding motions. The requirement for pre-motion letters and a pre-motion conference is waived. If Petitioner would like to rely on its Petition to Confirm Arbitration as its motion, without any further filing, it shall so state in a letter filed by **February 16, 2024**. If Respondent does not file a response, Petitioner's motion will be treated as unopposed. Petitioner shall serve a copy of this Order on Respondent's former counsel via the Arnold & Porter San Francisco office and file proof of service on the docket by **January 23, 2024**.



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE